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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,965	05/29/2001	Korin Ittai	160.7067USU	7385

7590 05/24/2006

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EXAMINER

AKINTOLA, OLABODE

ART UNIT PAPER NUMBER

3624

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/866,965	<b>Applicant(s)</b> ITTAI, KORIN	
	<b>Examiner</b> Olabode Akintola	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/10/01 &amp; 1/14/02</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 9, 16, 22, 26, 33, 39, 43 and 50 recite the limitation " the group". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-14, 18-21, 23-31, 35-38 and 40-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Melnikoff (U.S. Patent No. 5729700).

Re Claims 1, 18 and 35: Melnikoff teaches a system, method and storage media for analyzing an investment portfolio, comprising: receiving a communication from a user terminal, via a computer network, to initiate a session for analyzing an investment portfolio for a user (col. 10, lines 23-26); receiving a description of a financial instrument in said portfolio (col. 10, lines 56-59); and calculating a risk for said financial instrument (col. 8 lines 15-28; Figs. 6-8).

Re claims 2, 19 and 36: Melnikoff teaches the step comprising transmitting said risk to said user

terminal (col. 10, lines 31-35).

Re claims 3, 20 and 37: Melnikoff teaches the step wherein said step of receiving said description comprises receiving said description from said user terminal, via said computer network (col. 10, lines 56-59).

Re claims 4, 21 and 38: Melnikoff teaches the step wherein said step of receiving said description comprises receiving said description from a database that stores said description on behalf of said user (col. 10, lines 56-59).

Re claims 6, 23 and 40: Melnikoff teaches the step comprising calculating a return for said financial instrument (col. 5, lines 31-37).

Re claims 7, 24 and 41: Melnikoff teaches the step wherein said financial instrument is one of a plurality of financial instruments in said portfolio (col. 6, lines 15-18), and wherein said method further comprises calculating a risk for said portfolio (col. 8 lines 4-10 and lines 15-28; Figs. 6-8).

Re claims 8, 25 and 42: Melnikoff teaches the step wherein said financial instrument is a member of a set of financial instruments in a class of asset, and wherein said method further comprises calculating a risk for said set of financial instruments (col. 8 lines 4-10; Figs. 6-8).

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Re claims 9, 26 and 43: Melnikoff teaches the step wherein said class of asset is selected from the group consisting of commodities, currencies, bonds, stocks, and a stock sector (col. 5, lines 10-13).

Re claims 10, 27 and 44: Melnikoff teaches the step comprising calculating an historical risk for said financial instrument (col. 10, lines 50-55, Figs. 6-8).

Re claims 11, 28 and 45: Melnikoff teaches the step comprising calculating a profit for said financial instrument (col. 5, lines 31-37).

Re claims 12, 29 and 46: Melnikoff teaches the step comprising calculating an historical profit for said financial instrument (col. 5, lines 31-37).

Re claims 13, 30 and 47: Melnikoff teaches the step comprising calculating a value for said financial instrument (col. 3, lines 28-38).

Re claims 14, 31 and 48: Melnikoff teaches the step comprising calculating an historical value for said financial instrument (col. 3, lines 28-38).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5, 22 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melnikoff (U.S. Patent No. 5,729,700) in view of Gastineau et al (U.S. Patent No. 6,941,280) (hereinafter referred to as Gastineau).

Re claim 5, 22 and 39: Melnikoff is as discussed above. Melnikoff does not explicitly teach the step wherein said description of said financial instrument includes data selected from a group consisting of an identification of said financial instrument, a quantity, an indication of either a short position or a long position and an initiation date. Gastineau teaches step wherein said description of said financial instrument includes data selected from a group consisting of an identification of said financial instrument, a quantity, an indication of either a short position or a long position and an initiation date (col. 4, lines 60-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Melnikoff to include the step wherein said description of said financial instrument includes data selected from a group

consisting of an identification of said financial instrument, a quantity, an indication of either a short position or a long position and an initiation date as taught by Gastineau in order to enhance the accuracy of the risk evaluation.

4. Claims 15-17, 32-34 and 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melnikoff (U.S. Patent No. 5729700) in view of Sloan et al (U.S. Patent Application No. 20020147671) (hereinafter referred to as Sloan).

Re Claims 15-17, 32-34 and 49-51: Melnikoff is as discussed above. Melnikoff does not explicitly teach the step of receiving a communication from said user terminal indicating a simulated change in a parameter of said portfolio; wherein said parameter is selected from the group consisting of a risk for said portfolio, a risk for said financial instrument, a quantity of said financial instrument, and an additional financial instrument; calculating a simulated effect on said portfolio based on said simulated change; and generating a trade list to actualize said simulated change. Sloan teaches the step of receiving a communication from said user terminal indicating a simulated change in a parameter of said portfolio (section [0060]: The user can test different scenarios by altering the data); wherein said parameter is selected from the group consisting of a risk for said portfolio, a risk for said financial instrument, a quantity of said financial instrument, and an additional financial instrument (Abstract: Enables the user to swap securities and receive an analysis of the effect of the swap); calculating a simulated effect on said portfolio based on said simulated change (section [0060]: Each scenario can be analyzed); and

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generating a trade list to actualize said simulated change (section [0069]: The trade list displays the system recommended securities)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Melnikoff to include step of receiving a communication from said user terminal indicating a simulated change in a parameter of said portfolio; wherein said parameter is selected from the group consisting of a risk for said portfolio, a risk for said financial instrument, a quantity of said financial instrument, and an additional financial instrument; calculating a simulated effect on said portfolio based on said simulated change; and generating a trade list to actualize said simulated change as taught by Sloan so that the user can explore various scenarios as the data is being manipulated.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629.

The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



**HANI M. KAZIMI  
PRIMARY EXAMINER**



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OA



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